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1797

CONNECTICUT
ACTS AND LAWS

1797



ACTS and LAWS,

Made and passed in and by the General Court or Assembly of the State of Connecticut, in America, holden at Hartford, (in said State) on the second Thursday of May, Anno Domini, 1797.

An Act enabling Towns to make Bye-Laws, tending to secure the Health of the Inhabitants.

PAR. 1. **B**E it enacted by the Governor and Council, and House of Representatives, in General Court assembled, That the several Towns in this State be, and they are hereby authorized and empowered, in a lawful meeting of the Inhabitants, warned for that purpose, to make Bye-Laws not contrary to the Laws of this State, Towns authorized to make Bye-Laws respecting the health of the people.

7 Dollars penalty for breach of this Act.

for removing Animal or Vegetable putrefaction, or other Filth, whereby the Health of the People may be endangered; for preventing the erection of Slaughter Houses, or Tallow Chandlers, Soap Boilers or Tanners works, in places where they may prove prejudicial to the comfort and safety of the Inhabitants, or any of them; and for regulating those works which may already be erected in such places; and to annex such Penalties or Fines, not exceeding Seven Dollars for one offence, as the circumstances of the case may require.

Towns may appoint Attornies & health Committee.

2. *Be it further enacted*, That any Town enacting such Bye-Laws, may from time to time appoint an Attorney or Attornies, for and in behalf of such Town, to institute suits in the Law against any Person or Persons who shall be guilty of a breach of such Bye-Laws, for the recovery of any Fines or Penalties for the use of the Town, before any Assistant or Justice of the Peace, who are hereby authorised to hear and determine the same, and to grant Execution accordingly and no appeal shall be allowed in any such case.—And such Town may also annually appoint a Committee, to be called "*The Health Committee*," who shall have power under the regulations of such Bye-Laws, to remove Nuisances affecting the health of the Inhabitants; to give particular orders to prevent the ill effects of any Filth or Putrefaction, occasioned by any of the aforesaid works already erected; to prohibit the erection of such like works in situations unsafe for the Inhabitants; and to report to the Attorney or Attornies of such Town, any breaches of such Bye-Laws which shall come to their knowledge:

An Act in addition to and alteration of an Act, entitled, "An Act to oblige the several Towns in this State to erect Post-Guides, for the convenience of Travellers."

Post Guides to be erected by 1st of Sept.

PAR. 1. *BE it enacted by the Governor and Council, and House of Representatives, in General Court assembled*, That if the Selectmen of any Town shall neglect to erect Post-Guides, agreeably to the requirements of said Act, on or before the first day of September next, such Selectmen shall pay a Fine not exceeding Fifty Dollars, to and for the use of the County to which said Town belongs, and a Fine not exceeding Twenty Dollars for each month thereafter, during which said Selectmen shall neglect to erect such Post-Guides.

Selectmen to continue Post-Guides.

2. *And be it further enacted*, That if the Selectmen of any Town in which Post-Guides have been or shall be erected, shall neglect to continue the same and keep the same in repair, such Selectmen shall forfeit and pay a Fine not exceeding Twenty Dollars to the County as aforesaid, for every month during which such neglect shall exist.

3. *And be it further enacted*, That it shall be and hereby is declared to be the duty of the States Attorney in each County in this State, to make information of all breaches of this Act by the Selectmen of any Town in that County, for which he is Attorney as aforesaid, to the County Court in such County, which Court shall have jurisdiction of such information.

State Attorney
to prosecute Se-
lectmen.

4. *And be it further enacted*, That the second paragraph of the Act to which this is an addition, be and the same is hereby repealed.

An Act in addition to an Act, entitled, "An Act relating to Bills of Divorce."

BE it enacted by the Governor and Council, and House of Representatives, in General Court assembled, That in every Petition for a Divorce, returned to the General Court or to the Superior Court, if it shall not appear by the return of the Officer or otherwise that the Respondent has had actual notice, the Court shall continue the Cause until the next Session or Term, to the intent that actual notice may be given; and if the Respondent be absent out of this State, and cannot be served with actual notice without great expense, the pendency of such Petition shall be notified in two or more of the public Newspapers in this State, immediately after the rising of such Court, six weeks successively: And if the Petitioner shall have removed from any other State or Nation to this State, and shall not have staidly resided in this State three years next before the date of said Petition, he or she shall take nothing by the Petition, except the cause of Divorce shall have arisen subsequent to his or her removal into this State; and in every case where the Petitioner on coming to reside in this State shall have left his or her Confort in any other State or Nation, actual notice of the pendency of such Petition shall be given to the Respondent, by the reading of the Petition in his or her hearing, which shall be proved by the oath of the Person reading the same, administered by proper authority; and if the Respondent so notified shall not appear in the Cause at the Session or Term to which the Petition is returnable, the Court shall continue the Petition to the next session or Term.

Actual notice
to be given on
Petition for
Divorce.

Petitioner must
have resided 3
years within this
State before
bringing the
Petition.

An Act relating to Guardians of Minors.

PAR. 1. **B**E it enacted by the Governor and Council, and House of Representatives, in General Court assembled, That when and so often as there shall be occasion, the Courts of Probate in the several Districts shall have power to allow of Guardians, who shall be chosen by Minors of age for the choosing of Guardians, and to

Guardians al-
lowed by Judge
of Probate.

Minor neglect-
ing or refusing
to make choice
of Guardian,
Court to ap-
point.

Guardian's au-
thority not to ef-
fect the rights of
father or master
&c.

Guardian to
give bond.

Former Act re-
pealed.

appoint Guardians for such as shall be within that age—That when it shall so happen that there shall be any Minor of age for choosing a Guardian, who hath neither Father, Guardian or Master, or whose Father is naturally wanting in understanding, or insane so as to be incapable of taking care of and providing for such Minor, or if entitled to or possessed of an Estate real or personal, who hath a Master—the Judge of Probate within whose District such Minor lives or resides, shall notify such Minor to appear before him and choose some meet Person for a Guardian, which being done he may be allowed as aforesaid—That upon refusal or neglect to make such choice, such Judge shall appoint a Guardian for such Minor to neglecting or refusing—That in case a Minor who has a Father is entitled to or possessed of an Estate as aforesaid, not derived from the Father. the Judge of Probate shall have power whenever there shall be occasion, to notify such Father to appear before him, to shew reasons if any he have, why a Guardian should not be appointed for such Minor; and thereupon if sufficient reasons are not shewn, the Judge shall appoint the Father if he be a suitable Person, and will accept the trust to be Guardian for said Minor; but if not, he may appoint some other Person, such as said Minor shall choose if of age to choose as aforesaid, and if not, or shall refuse or neglect to choose a Guardian as aforesaid, such other Person as the said Judge may think fit and proper. *Provided nevertheless,* That whenever a Guardian shall be appointed or allowed for a Minor who hath a Father or Master other than such Father or Master, such Guardian's authority shall not be construed to effect the rights of the Father or Master in and over such Minor, excepting only where the Father's want of understanding or insanity is the cause of said Guardian's appointment; and every Judge of Probate on his allowing or appointing any Guardian as aforesaid, shall take sufficient bond; and if the Minor have an Estate, with surety of all such Guardians for the faithful discharge of their trust according to Law, and oblige them to render their account of their Guardianship to the Court or Minor when such Minor shall arrive to full age, or at such other time as the said Court of Probate upon complaints shall see cause to appoint.

2. *Be it further enacted,* That the former Act, entitled, "An Act relating to Guardians of Minors," be, and the same is hereby repealed.

An Act regulating the manufacture of Nails, made for sale or exportation within this State, and for repealing an Act heretofore made on the same subject.

PAR. 1. *BE it enacted by the Governor, Council and House of Representatives, in General Court assembled,* That the Civil Authority and Selectmen in each Town where Nails are or shall

be manufactured for sale or exportation, be and they are hereby authorized and required to appoint some suitable Person or Persons, Selectmen to be Nail Inspector or Inspectors, within such Town, who shall appoint inspectors to be sworn to the faithful discharge of his or their duty by some Assistants of Nails. Assistant or Justice of the Peace in the same County.

2. *Be it further enacted by the Authority aforesaid,* That every Inspector so appointed and sworn, shall provide himself with suitable Seals, Weights and Stamping or Branding Types; and it shall be the duty of every such Inspector, carefully to inspect and weigh Nails of every denomination that shall be offered for inspection, and when he has inspected and weighed said Nails, he shall put them into suitable Casks or Packages, and on every Cask or Package by him so packed he shall brand or mark the number of the Cask or Package, the weight contained in the same, the weight of the Nails per thousand, the Type representing the length and size of the Nails, the quality of the Nails whether first, second or third, and the name of the Town and Inspector.

3. *Be it further enacted by the Authority aforesaid,* That the Civil Authority and Selectmen to appointing any Inspector of Nails, are hereby authorized and required to affix the rate of Fees, which the Inspector shall be entitled to receive, for inspecting, weighing, packing, branding and storing, which shall be paid by the Manufacturer.

4. *Be it further enacted by the Authority aforesaid,* That if any Inspector of Nails shall be guilty of any neglect or fraud in inspecting Nails contrary to the true intent and meaning of this Act, or shall mark with his Stamps or Brands any Cask or Package containing Nails, which he hath not thoroughly and carefully inspected, he shall forfeit and pay the sum of Thirteen Dollars for every Cask or Package so falsely marked or branded; to be recovered by action of debt in any Court of Record proper to try the same, by any Person who shall sue for and prosecute the same to effect, one half to the Prosecutor and the other to the Town Treasury where such offence is committed.

5. *Be it further enacted.* That every Cask or Package of Nails manufactured within this State, that shall be offered for sale or exportation after the first day of August next, which has not been inspected and the Cask or Package branded or marked as aforesaid, shall be forfeited one half to the Prosecutor, and the other half to the Town Treasury where such Nails may be found; and it shall be the duty of every Assistant or Justice of the Peace upon complaint made, to issue a Warrant to seize any such Cask or Package of Nails, and such Assistant or Justice of the Peace upon due enquiry into the facts, shall have power to adjudge such Cask or Package of Nails forfeit as aforesaid, and to order the same to be sold at Public Vendue, and the avails thereof paid in manner aforesaid.

Proviso.

Provided, That if such Cask or Package of Nails shall exceed the value of Fifteen Dollars, then the same shall be adjudged by the County Court in the County where the seizure is made.

Nails not inspected not to be put into a cask branded.

6. *Be it further enacted*, That if any Person or Persons shall put into any Cask or Package after the same hath been inspected or branded as aforesaid, any Nails that have not been examined and approved by some Inspector of the Town where such Nails were made, and shall export or expose them for sale contrary to the true intent and meaning of this Act, each and every Person so offending, shall forfeit and pay double the value of such Cask or Package of Nails, to be recovered and appropriated as aforesaid.

7. *Be it further enacted*, That every thousand of Nails shall be computed at the rate of Five Score to the Hundred.

Former Act repealed.

8. *And be it further enacted by the Authority aforesaid*, That the Act, entitled, "An Act for regulating the manufacture of Nails, made for sale or exportation within this State," made and passed in May, 1795, be and the same is hereby repealed.

An Act in alteration of an Act, entitled, "An Act for constituting and regulating Courts, and appointing the times and places for holding the same."

Times & places for holding the Superior Court in Windham & New-London.

BE it enacted by the Governor and Council, and House of Representatives, in General Court assembled, That the times and places for holding the Superior Court of Judicature in the Counties of Windham and New-London, shall be as follows, that is to say—within and for the County of Windham, at Windham on the second Tuesday in March, and the third Tuesday in September annually—within and for the County of New-London, at Norwich on the fourth Tuesday in March, and at New-London on the fourth Tuesday in September annually.

An Act in alteration of an Act, entitled, "An Act for constituting and regulating Courts, and appointing the times and places for holding the same."

Time of holding County Court in Middlesex County.

BE it enacted by the Governor and Council, and House of Representatives in General Court assembled, That in future the County Court for the County of Middlesex, shall be holden at Haddam in said County, on the last Tuesday of March annually—any Law to the contrary notwithstanding: And that the 52d paragraph of said Act, so far as it relates to the time of holding said Court at Haddam aforesaid, be and the same is hereby repealed;

An Act in addition to an Act, entitled, "An Act for Incorporating a part of the Town of New-Haven."

BE it enacted by the Governor and Council, and House of Representatives, in General Court assembled, That full powers and authorities be, and hereby are granted unto the Court of Common Council for the City of New-Haven, or the major part of them, to make Bye-Laws relative to the mode of Taxation, as to Taxes levied by said City. *Provided*, That such Bye-Laws, made by said Court of Common Council, shall be approved by said City in legal meeting assembled; and after being so approved, shall be published at least Three Weeks successively in some Public Newspaper in said City. And all such Bye Laws of said City made as aforesaid, shall at any time within six months after they are made, be liable to be repealed by any Superior Court holden in the County of New-Haven, if by such Superior Court on a hearing judged to be unreasonable or unjust.

Power of Common Council of the City of N. Haven to regulate the mode of taxation, &c.

An Act in addition to and alteration of an Act, entitled, "An Act for Incorporating the Proprietors of the Half Million Acres of Land, lying South of Lake Erie."

PAR. 1. **B**E it enacted by the Governor and Council, and House of Representatives, in General Court assembled, That so much of said Act as is contained in the words following—viz.—
 "Provided also, That this Act shall not be binding or obligatory
 "on the Original Grantees, or their Heirs or Assigns; excepting
 "those who shall enter their names with the Clerk of the Grantees,
 "in the Town or Towns where their respective Losses or Losses were
 "sustained. Repealing clause.
 "Provided nevertheless, That when any Grantees, his or their
 "Heirs or Assigns, shall have entered his or their name or names
 "as aforesaid, they shall be subjected to pay his or their proportion
 "of all Expenses, that may have been incurred by said Proprietors
 "in the management of their said Concerns," be, and the same is
 hereby repealed. Repealing clause.

2. *Be it further enacted by the Authority aforesaid*, That in all cases where the Lands, Rights, Shares or Losses of the original Grantee or Grantees, his, her or their Assigns, shall be sold for the payment of any Tax or Taxes, in pursuance of said Act of Incorporation; the said Grantee or Grantees, his, her or their Assigns at the time of such sale being under the age of twenty-one years, *Feme Covert*, *Non Compos Mentis*, or beyond the seas; that such Person or Persons, his and their Heir or Heirs, at any time within one year next after his or their full age discovery, or coming of sound mind, or

Act not to effect
feme covert, &c.
until one year
after disability
removed.

Upon payment of Taxes being made purchaser to re deliver deed.

returning from beyond the seas, shall or may pay and satisfy or tender to the Person or Persons so purchasing of said Collector, the purchase Money together with all costs and charges, and double Interest thereon. And upon such payment or tender, said Purchaser shall re-deliver his Deed from said Collector to the Person or Persons who shall pay or tender as aforesaid, if the same be at the time of tender unrecorded, and thereupon the Title of said Lands shall be vested in the Proprietor for whose taxes the same was sold, and upon refusal to deliver the Deed as aforesaid, the same shall be and become void; but if said Deed shall have been recorded, the Purchaser in that case shall immediately re-convey said Lands to the Person who shall pay or tender as aforesaid.

An Act in addition to an Act, entitled, "An Act concerning Indian, Mulatto and Negro Servants and Slaves."

Negro children free at 21 years.

BE it enacted by the Governor and Council, and House of Representatives, in General Court assembled, That no Negro or Mulatto Child, born within this State after the first day of August, 1797, shall be held in servitude longer than until he or she arrive to the age of Twenty-one years; notwithstanding the Mother or Parent of such Child was held in servitude at the time of its birth, but such Child at the age aforesaid shall be free—Any Law, Usage or Custom to the contrary notwithstanding.

An Act in alteration of the 5th paragraph of an Act, entitled, "An Act appropriating the Monies which shall arise on the sale of the Western Lands belonging to this State."

School Societies impowered to hold their annual meeting.

BE it enacted by the Governor and Council, and House of Representatives, in General Court assembled, That the several School Societies mentioned in said Act, may and they are hereby authorized to hold their Annual Meetings, for the purposes in said Act mentioned, in either of the months of September, October, or November, as they shall judge convenient—Any thing in said Act notwithstanding.

An Act in further addition to and alteration of an Act, Incorporating a Medical Society.

PAR. 1. **B**E it enacted by the Governor and Council, and House of Representatives, in General Court assembled, That at

Connecticut, *Acts and laws ...Connecticut*, WZ 270 C7514a 1797

Condition when received: The 8 page pamphlet was in very poor condition. The antique laid paper was dark tan, brittle and very acidic. Gutter edges were adhered to low quality pamphlet binding tape and were breaking parallel to the gutter. All outer edges were tattered and torn with small edge losses, especially along the top edge. The pamphlet covers were very acidic. There was moderate grime on outside pages.

Conservation Treatment: The pamphlet was separated from the old binder. Remnants of gutter tape were allowed to remain adhered. The pages were submerged in a series of baths using deionized water conditioned to pH 8.0 using a combination of ammonium hydroxide (Nasco) and calcium hydroxide (Nasco). The paper was allowed to dry thoroughly between each of three baths. The third bath was conditioned using only calcium hydroxide. As a result, a minute amount of alkaline reserve (calcium carbonate) was amalgamated and precipitated in the paper. After washing, the paper was lighter in color, discoloration was diminished, and the acidic content was lower. In addition, the gutter tape carrier was removed and the associated adhesive was reduced. The folded gutter edges were mended using kizukishi and tengujo papers (all papers from Japanese Paper Place) and secured with zin shofu wheat starch paste (BookMakers). In like manner, edge losses and tears were mended using tengujo paper and the above adhesive. They were placed in a booklet of 2-ply covers of 100% cotton board (Talas) and secured at the spine with a paper hinge. Title and call number ink jet labels were printed, fixed using clear acrylic spray (Krylon) and adhered to the booklet covers. The booklet was placed in an archival envelope (Gaylord).

Conservation carried out by Rachel-Ray Cleveland

NLM Paper Conservator 12 / 2006

